

Part 6 Unused Balances

63J-1-601 End of fiscal year -- Unexpended balances -- Funds not to be closed out -- Pending claims -- Transfer of amounts from item of appropriation -- Nonlapsing accounts and funds -- Institutions of higher education to report unexpended balances.

- (1) As used in this section, "transaction control number" means the unique numerical identifier established by the Department of Health to track each medical claim and indicates the date on which the claim is entered.
- (2) On or before August 31 of each fiscal year, the director of the Division of Finance shall close out to the proper fund or account all remaining unexpended and unencumbered balances of appropriations made by the Legislature, except:
 - (a) those funds classified under Title 51, Chapter 5, Funds Consolidation Act, as:
 - (i) enterprise funds;
 - (ii) internal service funds;
 - (iii) trust and agency funds;
 - (iv) capital projects funds;
 - (v) discrete component unit funds;
 - (vi) debt service funds; and
 - (vii) permanent funds;
 - (b) those revenue collections, appropriations from a fund or account, or appropriations to a program that are designated as nonlapsing under Sections 63J-1-602.1 through 63J-1-602.5;
 - (c) expendable special revenue funds, unless specifically directed to close out the fund in the fund's enabling legislation;
 - (d) acquisition and development funds appropriated to the Division of Parks and Recreation;
 - (e) funds encumbered to pay purchase orders issued prior to May 1 for capital equipment if delivery is expected before June 30; and
 - (f) unexpended and unencumbered balances of appropriations that meet the requirements of Section 63J-1-603.
- (3)
 - (a) Liabilities and related expenses for goods and services received on or before June 30 shall be recognized as expenses due and payable from appropriations made prior to June 30.
 - (b) The liability and related expense shall be recognized within time periods established by the Division of Finance but shall be recognized not later than August 31.
 - (c) Liabilities and expenses not so recognized may be paid from regular departmental appropriations for the subsequent fiscal year, if these claims do not exceed unexpended and unencumbered balances of appropriations for the years in which the obligation was incurred.
 - (d) No amounts may be transferred from an item of appropriation of any department, institution, or agency into the Capital Projects Fund or any other fund without the prior express approval of the Legislature.
- (4)
 - (a) For purposes of this chapter, a claim processed under the authority of Title 26, Chapter 18, Medical Assistance Act:
 - (i) is not a liability or an expense to the state for budgetary purposes, unless the Division of Health Care Financing receives the claim within the time periods established by the Division of Finance under Subsection (3)(b); and
 - (ii) is not subject to Subsection (3)(c).

- (b) The transaction control number that the Division of Health Care Financing records on each claim invoice is the date of receipt.
- (5)
 - (a) For purposes of this chapter, a claim processed in accordance with Title 35A, Chapter 13, Utah State Office of Rehabilitation Act:
 - (i) is not a liability or an expense to the state for budgetary purposes, unless the Utah State Office of Rehabilitation receives the claim within the time periods established by the Division of Finance under Subsection (3)(b); and
 - (ii) is not subject to Subsection (3)(c).
 - (b)
 - (i) The Utah State Office of Rehabilitation shall mark each claim invoice with the date on which the Utah State Office of Rehabilitation receives the claim invoice.
 - (ii) The date described in Subsection (5)(b)(i) is the date of receipt for purposes of this section.
- (6) Any balance from an appropriation to a state institution of higher education that remains unexpended at the end of the fiscal year shall be reported to the Division of Finance by the September 1 following the close of the fiscal year.

Amended by Chapter 271, 2016 General Session

63J-1-602 Nonlapsing accounts and funds.

- (1) The revenue collections, appropriations from a fund or account, and appropriations to a program that are listed in Sections 63J-1-602.1 through 63J-1-602.5 are nonlapsing.
- (2) No revenue collection, appropriation from a fund or account, or appropriation to a program may be treated as nonlapsing unless:
 - (a) it is listed in Sections 63J-1-602.1 through 63J-1-602.5;
 - (b) it is designated in a condition of appropriation in the appropriations bill; or
 - (c) nonlapsing authority is granted under Section 63J-1-603.
- (3) Each legislative appropriations subcommittee shall review the accounts and funds that have been granted nonlapsing authority under the provisions of this section or Section 63J-1-603.

Amended by Chapter 9, 2010 General Session

Amended by Chapter 10, 2010 General Session

Amended by Chapter 218, 2010 General Session

Amended by Chapter 265, 2010 General Session

Amended by Chapter 265, 2010 General Session, (Coordination Clause)

Amended by Chapter 277, 2010 General Session

Amended by Chapter 278, 2010 General Session

Amended by Chapter 287, 2010 General Session

Amended by Chapter 324, 2010 General Session

Amended by Chapter 379, 2010 General Session

Amended by Chapter 391, 2010 General Session

Amended by Chapter 399, 2010 General Session

63J-1-602.1 List of nonlapsing accounts and funds -- General authority and Title 1 through Title 30.

- (1) Appropriations made to the Legislature and its committees.
- (2) The Percent-for-Art Program created in Section 9-6-404.

- (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in Section 9-18-102.
- (4) The National Professional Men's Soccer Team Support of Building Communities Restricted Account created in Section 9-19-102.
- (5) The LeRay McAllister Critical Land Conservation Program created in Section 11-38-301.
- (6) An appropriation made to the Division of Wildlife Resources for the appraisal and purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.
- (7) Award money under the State Asset Forfeiture Grant Program, as provided under Section 24-4-117.
- (8) Funds collected from the program fund for local health department expenses incurred in responding to a local health emergency under Section 26-1-38.
- (9) Funds collected from the emergency medical services grant program, as provided in Section 26-8a-207.
- (10) The primary care grant program created in Section 26-10b-102.
- (11) The Prostate Cancer Support Restricted Account created in Section 26-21a-303.
- (12) The Children with Cancer Support Restricted Account created in Section 26-21a-304.
- (13) State funds appropriated for matching federal funds in the Children's Health Insurance Program as provided in Section 26-40-108.
- (14) The Utah Health Care Workforce Financial Assistance Program created in Section 26-46-102.
- (15) The Rural Physician Loan Repayment Program created in Section 26-46a-103.
- (16) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.
- (17) The Children with Heart Disease Support Restricted Account created in Section 26-58-102.

Amended by Chapter 46, 2016 General Session

Amended by Chapter 70, 2016 General Session

Amended by Chapter 71, 2016 General Session

Amended by Chapter 202, 2016 General Session

63J-1-602.2 List of nonlapsing funds and accounts -- Title 31 through Title 45.

- (1) Appropriations from the Technology Development Restricted Account created in Section 31A-3-104.
- (2) Appropriations from the Criminal Background Check Restricted Account created in Section 31A-3-105.
- (3) Appropriations from the Captive Insurance Restricted Account created in Section 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that section free revenue.
- (4) Appropriations from the Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.
- (5) Appropriations from the Health Insurance Actuarial Review Restricted Account created in Section 31A-30-115.
- (6) Appropriations from the Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
- (7) Appropriations from the Underage Drinking Prevention Media and Education Campaign Restricted Account created in Section 32B-2-306.
- (8) Funding for the General Assistance program administered by the Department of Workforce Services, as provided in Section 35A-3-401.
- (9) The Youth Development Organization Restricted Account created in Section 35A-8-1903.
- (10) The Youth Character Organization Restricted Account created in Section 35A-8-2003.

- (11) Funding for a new program or agency that is designated as nonlapsing under Section 36-24-101.
- (12) Appropriations to the Utah National Guard, created in Title 39, Militia and Armories.
- (13) Appropriations from the Oil and Gas Conservation Account created in Section 40-6-14.5.
- (14) Appropriations from the Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the Motor Vehicle Division.
- (15) Funds available to the Tax Commission under Section 41-1a-1201 for the:
 - (a) purchase and distribution of license plates and decals; and
 - (b) administration and enforcement of motor vehicle registration requirements.
- (16) Appropriations from the Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by Section 41-3-110 to the Tax Commission.

Amended by Chapter 86, 2015 General Session

Amended by Chapter 93, 2015 General Session

Amended by Chapter 189, 2015 General Session

63J-1-602.3 List of nonlapsing funds and accounts -- Title 46 through Title 60.

- (1) The Utah Law Enforcement Memorial Support Restricted Account created in Section 53-1-120.
- (2) Funding for the Search and Rescue Financial Assistance Program, as provided in Section 53-2a-1102.
- (3) Appropriations made to the Division of Emergency Management from the State Disaster Recovery Restricted Account, as provided in Section 53-2a-603.
- (4) Appropriations made to the Department of Public Safety from the Department of Public Safety Restricted Account, as provided in Section 53-3-106.
- (5) Appropriations to the Motorcycle Rider Education Program, as provided in Section 53-3-905.
- (6) Appropriations from the Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.
- (7) Appropriations from the DNA Specimen Restricted Account created in Section 53-10-407.
- (8) The Canine Body Armor Restricted Account created in Section 53-16-201.
- (9) The School Readiness Restricted Account created in Section 53A-1b-104.
- (10) Appropriations to the State Board of Education, as provided in Section 53A-17a-105.
- (11) Money received by the Utah State Office of Rehabilitation for the sale of certain products or services, as provided in Section 35A-13-202.
- (12) Certain funds appropriated from the General Fund to the State Board of Regents for teacher preparation programs, as provided in Section 53B-6-104.
- (13) Funding for the Medical Education Program administered by the Medical Education Council, as provided in Section 53B-24-202.
- (14) A certain portion of money collected for administrative costs under the School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- (15) Certain surcharges on residential and business telephone numbers imposed by the Public Service Commission, as provided in Section 54-8b-10.
- (16) Certain fines collected by the Division of Occupational and Professional Licensing for violation of unlawful or unprofessional conduct that are used for education and enforcement purposes, as provided in Section 58-17b-505.
- (17) Certain fines collected by the Division of Occupational and Professional Licensing for use in education and enforcement of the Security Personnel Licensing Act, as provided in Section 58-63-103.
- (18) Appropriations from the Relative Value Study Restricted Account created in Section 59-9-105.

(19) The Cigarette Tax Restricted Account created in Section 59-14-204.

Amended by Chapter 52, 2016 General Session

Amended by Chapter 271, 2016 General Session

63J-1-602.4 List of nonlapsing funds and accounts -- Title 61 through Title 63N.

- (1) Funds paid to the Division of Real Estate for the cost of a criminal background check for a mortgage loan license, as provided in Section 61-2c-202.
- (2) Funds paid to the Division of Real Estate for the cost of a criminal background check for principal broker, associate broker, and sales agent licenses, as provided in Section 61-2f-204.
- (3) Certain funds donated to the Department of Human Services, as provided in Section 62A-1-111.
- (4) Appropriations from the National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account created in Section 62A-1-202.
- (5) Certain funds donated to the Division of Child and Family Services, as provided in Section 62A-4a-110.
- (6) Appropriations from the Choose Life Adoption Support Restricted Account created in Section 62A-4a-608.
- (7) Appropriations to the Division of Services for People with Disabilities, as provided in Section 62A-5-102.
- (8) Appropriations to the Division of Fleet Operations for the purpose of upgrading underground storage tanks under Section 63A-9-401.
- (9) A portion of the funds appropriated to the Utah Seismic Safety Commission, as provided in Section 63C-6-104.
- (10) Funds appropriated or collected for publishing the Office of Administrative Rules' publications, as provided in Section 63G-3-402.
- (11) The Immigration Act Restricted Account created in Section 63G-12-103.
- (12) Money received by the military installation development authority, as provided in Section 63H-1-504.
- (13) Appropriations to the Utah Science Technology and Research Initiative created in Section 63M-2-301.
- (14) Appropriations to fund the Governor's Office of Economic Development's Enterprise Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- (15) The Motion Picture Incentive Account created in Section 63N-8-103.
- (16) Certain money payable for commission expenses of the Pete Suazo Utah Athletic Commission, as provided under Section 63N-10-301.

Amended by Chapter 193, 2016 General Session

Amended by Chapter 240, 2016 General Session

63J-1-602.5 List of nonlapsing funds and accounts -- Title 64 and thereafter.

- (1) Funds collected by the housing of state probationary inmates or state parole inmates, as provided in Subsection 64-13e-104(2).
- (2) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and State Lands, as provided in Section 65A-8-103.
- (3) The Department of Human Resource Management user training program, as provided in Section 67-19-6.

- (4) Funds for the University of Utah Poison Control Center program, as provided in Section 69-2-5.5.
- (5) The Traffic Noise Abatement Program created in Section 72-6-112.
- (6) Certain funds received by the Office of the State Engineer for well drilling fines or bonds, as provided in Section 73-3-25.
- (7) Certain money appropriated from the Water Resources Conservation and Development Fund, as provided in Section 73-23-2.
- (8) Certain funds appropriated for compensation for special prosecutors, as provided in Section 77-10a-19.
- (9) Funds donated or paid to a juvenile court by private sources, as provided in Subsection 78A-6-203(1)(c).
- (10) A state rehabilitative employment program, as provided in Section 78A-6-210.
- (11) Fees for certificate of admission created under Section 78A-9-102.
- (12) The money for the Utah Geological Survey, as provided in Section 79-3-401.
- (13) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park, Jordan River State Park, and Green River State Park, as provided under Section 79-4-403.
- (14) Certain funds received by the Division of Parks and Recreation from the sale or disposal of buffalo, as provided under Section 79-4-1001.
- (15) The Bonneville Shoreline Trail Program created under Section 79-5-503.
- (16) Funds appropriated and collected for adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.
- (17) Funds appropriated and collected for indigent defense as provided in Title 77, Chapter 32, Part 8, Utah Indigent Defense Commission.

Amended by Chapter 177, 2016 General Session

63J-1-603 Nonlapsing authority.

(1) As used in this section:

(a)

- (i) "Agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.
- (ii) "Agency" does not include those entities whose unappropriated and unencumbered balances are made nonlapsing by the operation of Subsection 63J-1-601(2).
- (b) "Appropriation balance" means the unexpended and unencumbered balance of a line item appropriation made by the Legislature to an agency that exists at the end of a fiscal year.
- (c) "Nonlapsing" means that an agency's appropriation balance is not closed out to the appropriate fund at the end of a fiscal year as required by Section 63J-1-601.
- (d) "One-time project" means a project or program that can be completed with the appropriation balance and includes such items as employee incentive awards and bonuses, purchase of equipment, and one-time training.
- (e) "One-time projects list" means:
 - (i) a prioritized list of one-time projects, upon which an agency would like to spend any appropriation balance; and
 - (ii) for each project, the maximum amount the agency is estimating for the project.
- (f) "Program" means a service provided by an agency to members of the public, other agencies, or to employees of the agency.

- (2) Notwithstanding the requirements of Section 63J-1-601, an agency may, by following the procedures and requirements of this section, retain and expend any appropriation balance.
- (3)
 - (a) Each agency that wishes to preserve any part or all of its appropriation balance as nonlapsing shall include a one-time projects list as part of the budget request that it submits to the governor and the Legislature at the annual general session of the Legislature immediately before the end of the fiscal year in which the agency may have an appropriation balance.
 - (b) An agency may not include a proposed expenditure on its one-time projects list if:
 - (i) the expenditure creates a new program;
 - (ii) the expenditure enhances the level of an existing program; or
 - (iii) the expenditure will require a legislative appropriation in the next fiscal year.
 - (c) The governor:
 - (i) may approve some or all of the items from an agency's one-time projects list; and
 - (ii) shall identify and prioritize any approved one-time projects in the budget that the governor submits to the Legislature.
- (4) The Legislature:
 - (a) may approve some or all of the specific items from an agency's one-time projects list as authorized expenditures of an agency's appropriation balance;
 - (b) shall identify any authorized one-time projects in the appropriate line item appropriation; and
 - (c) may prioritize one-time projects in intent language.

Renumbered and Amended by Chapter 183, 2009 General Session